

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

NOV 20 1995

In the Matter of)

)
 Replacement of Part 90 by Part 88 to)
 Revise the Private Land Mobile Radio)
 Services and Modify the Policies)
 Governing Them)

and)

)
 Examination of Exclusivity and)
 Frequency Assignment Policies of)
 the Private Land Mobile Radio Services)

PR Docket No. 92-235

To: The Commission

**COMMENTS OF THE AMERICAN AUTOMOBILE ASSOCIATION
 ON CONSOLIDATION OF RADIO SERVICES**

The American Automobile Association (AAA), by its attorney, and pursuant to Rule Section 1.429, submits the following comments with respect to the Commission's request for a plan for consolidation of the various radio services into a smaller number of service pools.

AAA is a not-for-profit organization that is dedicated to promoting the safety of the American driving public. It is the largest membership organization in the United States, with over 33 million members. It provides emergency road services (and many other services) to its members and to the public. AAA is also the FCC-recognized frequency coordinator for the Automobile Emergency Radio Service. It provides frequency coordination services to the automobile clubs throughout the country, as well as to private garages that provide road service assistance to the public. AAA is

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therefore vitally interested in the proceedings in the refarming docket, which will have a tremendous impact on the availability of prompt and reliable communications services to emergency road service operators.

Background

In the Report and Order in this proceeding, the Commission has indicated its intention to consolidate the various private radio services from 20 separate services into a smaller number of pools. The Commission indicated that grouping the services into two to four pools, one of which would be a public safety pool, appears to be reasonable, although a different number of pools might be acceptable with appropriate justification. The Commission indicated that it wanted to consolidate these services to eliminate the delays and expense in the current system of interservice sharing of frequencies, and that increased competition among frequencies coordinators may also benefit the public.

Comments

AAA has participated in meetings with other frequency coordinators and user groups over the last several months. It is clear that the industry is having a great deal of difficulty in coming to a consensus on how the frequency pools should be structured, and that the Commission will receive a number of plans for consolidation.

AAA believes that the difficulty the industry has in reaching a consensus on consolidation is a clear indication that pooling of

the various radio services into a smaller number may make the present situation worse. AAA has joined with several other entities in submitting comments in this matter indicating that it believes there is no need for consolidation of the various radio services.

AAA agrees that interservice coordination of frequencies has encountered some minor difficulties in certain instances. However, many of these problems result from the nature of the current coordination process and FCC rule requirements. For example, the current regulations only provide for interservice frequency sharing if (1) the frequency coordinator in the service in which an application is filed certifies that it has no suitable frequencies to recommend, and (2) the frequency coordinator in the service in which a frequency is sought determines that the frequency is unassigned in the area. Under this process, a frequency that is lightly loaded cannot be recommended for interservice sharing. If the Commission's goal is to make frequencies more readily available for sharing, it should change the regulations to make it easier for frequency coordinators to recommend frequencies from other radio services. However, the frequency coordinator for the service in which the frequency is primarily allocated should have the opportunity to comment on the suitability of the frequency selection. If there is a disagreement between the frequency coordinators, the Commission should exercise its regulatory responsibility and make the final determination.

Furthermore, consolidating radio services and making frequency coordinators compete with each other causes complications. For

example, a single common database would have to be established and maintained for such a system to work effectively. The frequency coordinators would have to raise their rates in order to establish and support such a system. Such a system would also allow a person who disagrees with a frequency recommendation to "shop around" for a frequency coordinator who is more likely to recommend the frequency desired by the applicant. This may then cause the original frequency coordinator to petition the Commission to deny the application, thereby increasing the Commission's workload.

The fact that there have been difficulties in the sharing of frequencies does not justify discontinuing a system that has generally worked well over many years. By maintaining the current group of radio services, each of which has a dedicated frequency coordinator recognized by the Commission, the public is well served. The frequency coordinator is representative of the persons eligible for its radio service and knows well whether sharing among the various applicants is possible. This judgement would be lost if applicants could shop around to any of the current frequency coordinators, who may then make frequency selections solely on the basis of technical characteristics and not take into account operational factors that may make it easier for applicants to share frequencies.

In the event that the Commission is committed toward consolidating the radio services into a smaller number of pools, nonetheless, AAA submits the following comments on an alternative plan for the pooling of the frequencies AAA currently coordinates.

AAA's comments deal only with the consolidation in which it would participate. Other coordinators and affected users are in a better position to comment on how the other radio services should be consolidated.

First, it is important for the Commission to recognize that the emergency road service activities of AAA's members are primarily designed to further public safety and that their radio operations are directly used to further these safety activities. A more detailed description of the safety operations of AAA and its clubs is contained in AAA's simultaneously filed comments on the Further Notice of Proposed Rulemaking portion of this proceeding. With this fact in mind, AAA believes the best approach would be to consolidate private users who primarily use their radios for safety purposes into a "private safety" pool. If this is not done, AAA would agree to be consolidated into a land transportation pool.

Option 1 - Private Safety Pool

Many of the emergency road service calls that AAA member clubs respond to are due to disabled vehicles on busy highways, and often during rush hours. Having a stranded vehicle on a busy roadway is a hazard to the person in the vehicle, as well as to the public. We have all seen what a single stalled vehicle can do to the flow of traffic in a major city during rush hours. Furthermore, delays caused by these disabled vehicles cause many persons to act in an unsafe manner (such as driving on the shoulder), which further exacerbates the problem. Similar safety concerns call for a prompt response to a vehicle stranded at night on a lonely road, or in a

bad neighborhood, or in sub-zero temperatures. The drivers and passengers are in danger of physical harm.

For these reasons, certain larger AAA member clubs are tied directly into the emergency 911 system by the local government, so that they are able to respond to these emergency calls quickly. AAA works closely with state and local police and highway officials to clear up these problems as quickly as possible, thus saving lives and reducing the risk to the public.

AAA submits that the Commission should create two "safety" pools: the Public Safety pool, for government agencies, and the "private safety" pool for private entities such as AAA. Both government and private organizations provide services responding to critical, life threatening situations such as accidents, fires, burglaries, and emergency medical problems. The private safety pool would include functions such as emergency road service, central station alarm operations, special emergency services (hospital, doctor, ambulance services, etc.) and other functions that the Commission decides warrant treatment as quasi-public safety operations. AAA believes that its emergency road service activities fall squarely into this category and that it should be included in a pool which includes entities that perform these important safety functions. In making this proposal, AAA would not expect the private safety pool to gain access to the public safety radio allocations. The purpose of the pool would be to recognize that these private entities provide important services to the public, which services reduce the burdens on governmental entities,

and that their current allocations of spectrum should be safeguarded for these reasons. Such pool would be consistent with the Congressional exemption from auction authority (contained in the current version of Budget Reconciliation Act) for "non-Government uses that protect the safety of life, health and property." See H.R. 2491, 104th Cong., 1st Sess., Section 3001 (1995).

Option 2 - Land Transportation Pool

If the Commission disagrees with AAA that it should create a quasi-public safety pool, AAA submits that the services currently falling within the Land Transportation Radio Services (Automobile Emergency, Motor Carrier, Taxicab and Railroad) should be consolidated into a single Land Transportation Pool. The reason for consolidating these services into a single pool is that they are all similar in that they all involve public transportation. Several of these services (although not the Automobile Emergency Radio Service) share frequencies and have similar technical restrictions on frequency usage, e.g., 75 watts maximum power while other services generally allow higher transmitter power. The frequency coordinators for all of these services have cooperated in the past in interservice coordination and we have worked well together. There is no reason to assume that this close cooperation cannot continue in the future to the benefit of the public.

AAA has participated in a filing by a coalition of industrial and land transportation users in how a land transportation pool should be structured, and the basis for consolidating these radio services. There is no need to restate the same arguments in this

filing. AAA notes the desire of the railroad industry (expressed during pooling discussions) to be in a separate pool. AAA does not oppose this proposal.

Conclusion

AAA submits that there is no need to consolidate the radio services into two to four pools, as proposed by the Commission. If the Commission nevertheless decides to go forward with the consolidation, AAA suggest that the Commission create two safety pools, one for governmental entities and another for private entities engaged primarily in safety functions. AAA should be included in the latter category. Finally, if the Commission decides that it cannot create a grouping of private safety entities, then AAA requests the Commission to consolidate the Automobile Emergency Radio Service with the Motor Carrier, Railroad, and Taxicab services into a land transportation pool.

Respectfully submitted,

AMERICAN AUTOMOBILE ASSOCIATION

By 
John A. Prendergast
Its Attorney

Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W., Suite 300
Washington, D.C. 20037
(202) 659-0830

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